



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खंड II ]

शिमला, शनिवार, 10 अप्रैल, 1954

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भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जुडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि ।

HIMACHAL PRADESH GOVERNMENT  
Establishment Branch

Home, Gazette and Transport Department

## NOTIFICATION

## NOTIFICATIONS

Simla-4, the 22nd April, 1954

Simla-4, the 2nd April, 1954

No. A-8-30/53 — Dr. D. R. Mehta, Assistant Director of Health Services, Himachal Pradesh, is appointed to officiate as Director of Health Services and Inspector General of Prisons, Himachal Pradesh Government, in addition to his own duties, in the absence of Dr. (Mrs.) A. C. Parmar, Director of Health Services and Inspector General of Prisons, Himachal Pradesh, proceeded on 61 (Sixty, one) days' earned leave on medical grounds, with effect from the forenoon of the 27th March, 1954.

MANGAT RAI, I.A.S.,  
Chief Secretary.

No. HGT-96-73/50. — The Lieutenant Governor, Himachal Pradesh, is pleased to appoint temporarily Shri B.D. Gupta, a Superintendent in the Himachal Pradesh Secretariat as Manager for the Head Office of the Himachal Government Transport in the scale of Rs.250-15-400, for a period of one year in the first instance.

By order,  
INDAR SEN,  
Assistant Secretary (General).

Simla-4, the 5th April, 1954

**No. HGT-78-132/52.**—In exercise of the powers conferred by section 99A of the Code of Criminal Procedure, 1898 (Act V of 1898) the Lt.-Governor, Himachal Pradesh, is pleased to declare to be forfeited to the Government every copy of the booklet entitled "Presidential Address of Janab Syed Badruddiya, ex-Major of Calcutta, President, All India Muslim Convention, 1953, held at Aligarh on the 30th and 31st October and the 1st and 2nd November, 1953", printed by National Printers Co., Aligarh, or elsewhere wherever found in the State of Himachal Pradesh on the ground that the said booklet contains matter which promotes or is likely to promote feeling of enmity and hatred between different classes of the citizens of India, the publication of which is punishable under section 153-A of the Indian Penal Code (Act XLV of 1860).

By order,  
SHIV SINGH, P. C. S.,  
Assistant Secretary (Home).

### Co-operative Department

#### NOTIFICATION

Simla-4, the 6th April, 1954

**No. CS-92-160/53.**—In exercise of the powers conferred on him under section 3 of the Co-operative Societies Act (II) of 1912, as applied to Himachal Pradesh, the Lieutenant Governor, Himachal Pradesh, is pleased to delegate to Shri Khemi Ram, Educational Assistant Registrar, Co-operative Societies cum District Co-operative and Supplies Officer, Mandi District, powers of the Registrar under Sections 7, 9, 11, 35 and 36 and rules 6, 7 and 18 of the rules published with notification No. R.86-49/49, dated 9th November, 1949 of Himachal Pradesh Government in so far as they relate to primary societies only.

In exercising the aforesaid powers of Registrar, Shri Khemi Ram shall be subject to the control of the Registrar, Co-operative Societies, Himachal Pradesh and Deputy Registrar, Co-operative Societies, Himachal Pradesh.

By order,  
M. M. CRISHNA,  
Secretary.

### वन विभाग

अतिमूल्यनाएँ

शिमला-4, 2 अप्रैल, 1954

**न० एफ० टी-26-86-42.**—14 दिसम्बर 1953 से 6 मार्च 1954 तक का उपार्जित अवकाश व्यतीत करने के उपरान्त श्री संत राम, पी० एफ० एस०, 2, ने अनुरक्त औफिसर, शिमला सर्कल, शिमला,

के पद का कार्यभार फिर से 7 मार्च 1954 से संभाल लिया।

शिमला-4, 6 अप्रैल, 1954

**न० एफ० टी-43-195/46.**—श्री ठाकुर दास, पी० एफ० एस० 11, चम्बा सर्कल, को चार मास का स्थिति अवकाश 1 मार्च से 30 जून, 1954 तक का अनुदान किया गया।

आज्ञा से,  
सन्त राम,  
चीफ कन्सर्वेटर।

### Development Department

#### NOTIFICATION

Simla-4, the 9th March, 1954

**No. Ft-3-43/48 (d).**—In exercise of the powers conferred by Section 6(4) of the Indian Fisheries Act, 1897, as applied to the State of Himachal Pradesh, the Lieutenant Governor, Himachal Pradesh, is pleased to extend the period of 'Fish Sanctuaries', except in the case of Rainka Lake in the District of Sirmur, notified under Himachal Pradesh Government Notification No. Ft. 3-43/48(d) and No. Ft. 3-43/48(e), dated the 23rd February, 1952 as amended by Himachal Pradesh Government Notification No. Ft. 3-43/48(d), dated the 2nd July, 1952 for a further period of two years with effect from the 23rd February, 1954.

By order,  
M. M. CRISHNA,  
Secretary.

### Election Department

#### NOTIFICATION

Simla-4, the 6th April, 1954

**No. G-17-63/52-II.**—In exercise of the powers conferred upon him *vide* the Himachal Pradesh Government Notification No. C. 15-20 (10)/48, dated the 2nd November, 1950, the following amendments in Himachal Pradesh Government Notification of even number, dated the 9th May, 1953 are notified:—

1. In Sirmur District. Read "Shri Om Parkasa" for "Shri Hem Chand".

2. In Mandi District against No. 1. Read "Shri Lakshman Das, Senior Subordinate Judge" for "Thakur Karam Singh, Sub-Judge".

3. In Mahasu District Against No. 1. Read "Shri Hem Chand" for "Shri Lakshman Dass".

Against No. 2. Read "Shri Karam Singh" for "Shri Tara Chand".

INDER SEN,  
Chief Electoral Officer.

**Legislative Assembly**

Simla-4, the 5th April, 1954

**NOTIFICATIONS**

Simla-4, the 1st April, 1954

**No. LA-109-45/54.** Under Rule 148 of the Rules of Procedure of the Himachal Pradesh Legislative Assembly, the following Members of Himachal Pradesh Legislative Assembly have been elected unanimously as members of the Finance Committee for the year 1954-55 :—

1. Shri Besar Ram, M. L. A.
2. Shri Hardy Singh, M. L. A.
3. Shri Karam Singh, M. L. A.
4. Shri Daulat Ram, M. L. A.
5. Shri Hira Singh Pal, M. L. A.
6. Shri Ram Dyal, M. L. A.

In addition to the above 6 Members, the Finance Minister will be an ex-officio Member of this Committee.

Simla-4, the 1st April, 1954

**No. LA-109-44/54.** Under Rule 150 of the Rules of Procedure of the Himachal Pradesh Legislative Assembly, the following Members of Himachal Pradesh Legislative Assembly, have been declared elected as Members of the Public Accounts Committee for the year 1954-55 :—

1. Shri Avtar Chand Mehta, M. L. A.
2. Shri Baldev Chand, M. L. A.
3. Shri Ghanshyam, M. L. A.
4. Shri Kashmir Singh, M. L. A.
5. Shri Krishan Chander, M. L. A.
6. Shri Partap Singh.

In addition to the above 6 members, the Finance Minister will be an ex-officio member of this Committee.

Simla-4, the 1st April, 1954

**No. LA-109-43/54.** Under Rule 152 (3) of the Rules of Procedure of the Himachal Pradesh Legislative Assembly, the following Members of Himachal Pradesh Legislative Assembly have been declared elected as members of the Estimate Committee for the year 1954-55 :—

1. Shri Bala Nand Chouhan, M. L. A.
2. Shri Chattar Singh, M. L. A.
3. Shri Gurditta Mal, M. L. A.
4. Shri Hari Singh, M. L. A.
5. Shri Shiva Nand Ramaul, M. L. A.
6. Shri Sita Ram, M. L. A.
7. Shri Vidya Dhar, M. A. L.

**No. L-A-109-67/54.** Under Rule 156 of the Himachal Pradesh Legislative Assembly Rules of Procedure, the following Members of Legislative Assembly have been nominated by the Hon'ble Speaker as Members of Rules Committee :—

1. Dr. Y. S. Parmar, Chief Minister
2. Shri Krishan Chander, Deputy Speaker.
3. Shri Tapinder Singh.
4. Shri Hardy Singh.
5. Shri Karam Singh.
6. Shri Gurditta Mal.

In addition to the above 6 members the Speaker shall be the ex-officio Chairman of the Committee. The Committee shall hold office until a new Committee is nominated.

Simla-4, the 7th April, 1954

**No. L-A-109-28/54.** It is hereby notified for general information that the Himachal Pradesh Legislative Assembly which met from 15th March, 1954, was adjourned sine die on the 7th April, 1954.

CHET RAM,  
Secretary.

**चिकित्सा तथा सार्वजनिक विभाग**

अधिसूचनाएं

शिमला-4, 6 अप्रैल, 1954

**नं० एम-65-377/53.** डा० नारायण दास, सिविल सर्जन, जिला महासू, को 20 दिन का उपाजित अवकाश 7-4-1954 से 26-4-1954 तक प्रदान किया जाता है।

आज्ञा से,  
महेश चन्द्र,  
सचिव।

Simla-4, the 7th April, 1954

**No. M-65-413/53.** The following order of the Lieutenant Governor of the Himachal Pradesh is published for general information :—

**Order of the Lieutenant Governor of the Himachal Pradesh No. M-65-413/53, dated the 7th April, 1954.**

Whereas the Lieutenant Governor of the Himachal Pradesh is satisfied that the District Mahasu is threatened with an outbreak of a dangerous epidemic disease, namely, SMALL POX and the ordinary provisions of the law

for the time being in force are insufficient to prevent the spread of this disease, now, therefore, the Lieutenant Governor of the Himachal Pradesh, in exercise of the powers, conferred by Section 2 of the Epidemic Diseases Act, 1897, is pleased to empower:—

(1) The Deputy Commissioner within his district,—

- (a) to establish isolation camps, hospitals and medical inspections posts;
- (b) to order the removal of any person suffering from or suspected to be suffering from small pox to an isolation camp or hospital;
- (c) to fix places for the cremation or burial of dead human bodies;
- (d) to fix places for the encamping of people picketing of animals and parking of vehicles in the manner directed and to prevent people occupying in any form lands which it may be necessary to set apart as open spaces for the health and convenience of the public;
- (e) to order that any specified person or all persons within any specified area shall undergo vaccination or re-vaccination, in the case of minor the order shall be regarded as addressed to the parent or guardian and all such persons shall then be required to undergo vaccination or re-vaccination;
- (f) to prohibit the holding of any fair, camp, etc. in the District.

(2) The Assistant Director of Health Services (Public Health) Himachal Pradesh, the District Medical Officer, Medical Officer of Health and all Medical Officers in charge of Government or local body hospitals or dispensaries, and all Magistrates in the district of Mahasu. —

- (a) to order the removal of any person suffering from or suspected to be suffering from small pox to an isolation camp or hospital;
- (b) to vaccinate or revaccinate or order to be vaccinated or re-vaccinated any person who in their opinion is liable to catch the infection, in the case of minors, the order shall be addressed to the parent or guardian;
- (c) to carry out the disinfection of premises, clothes or other articles which in their opinion are liable to cause the spread of the disease;
- (d) to order the cleaning or disinfecting of any drains, privies or latrines; and the removal and disposal of, or the application of suitable disinfectants, to any offensive matter, rubbish, night-soil, manure or filth of any kind.

(3) To direct:—

- (a) that any orders issued by the Deputy Commissioner under clause (1) above shall remain in force in respect of any local area until such local area is officially declared to be free from danger of infection from small pox;
- (b) that the cost of any measures taken by the Deputy Commissioner or any of the other officers above mentioned in exercise of the powers conferred upon them by this order shall be defrayed from the Health budget allotment of the district.

**No. M-65-413/53.** — Whereas the Lieutenant Governor of the Himachal Pradesh is satisfied that the district of Mahasu is threatened with an outbreak of a dangerous epidemic disease, namely SMALL POX, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore, the Lieutenant Governor of the Himachal Pradesh in exercise of the powers conferred by Section 2 of the Epidemic Diseases Act, 1897, is pleased to make the following Regulations:—

### Regulations

1. In these regulations:—

- (a) “Epidemic disease” means SMALL POX;
- (b) “Inspection post” means any place which may be declared by the Deputy Commissioner, Mahasu, in exercise of the powers conferred upon him by order No. M. 65-413/53, dated the 7th April, 1954 to be an inspection post;
- (c) “Inspecting Medical Officer” means a person appointed by the District Medical Officer to be an inspecting medical officer.

2. Every inspecting medical officer who is unavoidably prevented from discharging all or any of his functions as such may by order in writing appoint any Assistant Surgeon, Class I or II, Superintendent of Vaccination and Sanitary Inspectors temporarily to discharge such functions and every Assistant Surgeon, Superintendent of Vaccination or Sanitary Inspectors so appointed, shall so far as such functions are concerned, be deemed for the purpose of these regulations, to be an inspecting medical officer.

3. An inspecting medical officer, may, at his inspection post, direct any person travelling to return to the place from where he started his journey or prohibit any such person from leaving the place of inspection.

4. (1) Any inspecting medical officer may, at his inspection post, make a medical inspection and examination of any person travelling in such manner and to such extent as he thinks necessary in order to ascertain whether



there is any reason to believe or suspect that such person is or may be infected with an epidemic disease; provided that such inspection or examination shall not be made in any manner or to any extent to which such person objects.

(2) Any inspecting medical officer may put to any such person any question he thinks fit in order to ascertain whether there is reason to believe or suspect as aforesaid and such person shall be bound to answer truly any question so put to him.

5. Whereas the result of such inspection or examination or otherwise the inspecting medical officer, considers that there is reason to believe or suspect that any person is or may be infected with an epidemic disease, or where any person makes any objection under the provision to clause (1) to regulation 4, the inspecting medical officers may direct that such person be removed to and detained in any isolation camp or hospital established by the Deputy Commissioner, Mahasu, in exercise of the powers conferred upon him by order No. M.65-413/53, dated the 7th April, 1954 of the Lieutenant Governor of the Himachal Pradesh until the inspecting medical officer, or the medical officer in charge of such isolation camp or hospital or District Medical Officer or Civil Surgeon of the District concerned certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid.

6. Any person in respect of whom a direction has not been given under regulation 5 may apply to the inspecting medical officer to be allowed to attend upon any person in respect of whom such a direction has been given, and the inspecting medical officer, shall, except for reason to be recorded by him in writing, grant such application.

7. Any person who has made an application under regulation 6 and whose application has been granted shall be detained in such building, tent or other place whether

near the inspection post or elsewhere, as the inspecting medical officer may direct until the inspecting medical officer or the medical officer in charge of an isolation camp or hospital or the District Medical Officer of the district certified in writing that, in his opinion, there is no longer any reason for detaining such person.

8. No person in respect of whom a direction under regulation 5 or regulation 7 has been given shall leave any isolation camp or hospital in which an inspecting medical officer has directed him to be detained until such inspecting medical officer certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid or that there is no longer any reason for detaining such person as the case may be.

9. The inspecting officer may order the disinfection of any articles which is or has been in the possession of any person in respect of whom a direction under regulation 5 or regulation 7 has been given or which is or has been in his possession of any person whom the inspecting officer consider to have been in dangerous proximity to such person :

Provided that compensation may, in the discretion of the officer empowered by regulation 10 to award the same be paid for the destruction or injury of any article under this clause.

10. Applications for the payment of compensation under regulation 9 may be made to the District Magistrate, who shall upon receipt of any such application determine by order in writing the amount of such compensation, if any, and such order shall be final.

11. These regulations shall remain in force during the period from the date of this notification upto the 31st December, 1954.

By order.

PREM RAJ MAHAJAN,  
Asstt. Secretary (Medical).

## भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि ।

शून्य

भाग 3—अधिनियम, विधेयक, और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ़ इनकम टैक्स द्वारा अधिसूचित आदेश इत्यादि ।

विधान सभा विभाग

अधिसूचना

शिमला-4, 2 अप्रैल, 1954

No. L A-109-87/53.—गवर्नमेंट आफ़ इंडिया पार्ट 'सी' स्टेट्स एक्ट, 1951 की धारा 26 की उपधारा (2) के अधीन भारत के राष्ट्रपति महोदय ने दिनांक 10 फरवरी, 1954 को हिमाचल

प्रदेश विधान सभा द्वारा पारित किए गए निम्नलिखित विधेयक पर स्वीकृति प्रदान कर दी है और उसे सर्वमान्य की सूचना के लिए इस अधिसूचना द्वारा प्रकाशित किया जाता है।

अधिनियम नं० V, 1954

## हिमाचल प्रदेश में राज्य पथ परिवहन सेवा की व्यवस्था के लिए

अधिनियम, 1954

सार्वजनिक हित के लिए तथा उपयुक्त और कुशल पथ परिवहन (suitable and efficient Road Transport) की उन्नति के लिये हिमाचल प्रदेश में राज्य पथ परिवहन सेवा (State Road Transport Service) की व्यवस्था करना आवश्यक है।

अतएव निम्नलिखित अधिनियम बनाया जाता है :—

1. संक्षिप्त नाम, प्रसार तथा प्रारम्भ.—(1) इस अधिनियम का नाम हिमाचल प्रदेश राज्य पथ परिवहन (Himachal Pradesh State Road Transport) अधिनियम, 1953 होगा।

(2) इसका प्रसार समस्त हिमाचल प्रदेश में होगा।

(3) यह उस दिनांक से प्रचलित होगा जिसे अधिसूचना द्वारा राज्यशासन इस सम्बन्ध में निर्दिष्ट करे।

2. परिभाषा.—विषय अथवा प्रसंग में कोई बात विपरीत न होने पर इस अधिनियम में,—

(क) “निश्चित दिनांक” का तात्पर्य इस अधिनियम के प्रारम्भ से ठीक पहले के दिनांक से है ;

(ख) “राजपत्र” से तात्पर्य है हिमाचल प्रदेश के लिये राजपत्र से ;

(ग) “विनिहित” का तात्पर्य इस अधिनियम के अधीन बनाए गए नियमों द्वारा विनिहित से है ;

(घ) “सार्वजनिक सेवा की गाड़ी” का वही अर्थ है जो पब्लिक सर्विस वेहिकल (Public Service Vehicle) को मोटर वेहिकल ऐक्ट, 1939, में दिया गया है और इस के अन्तर्गत सार्वजनिक वाहन भी है ;

(ङ) “मार्ग (Route)” का तात्पर्य ऐसे पथ, सड़क या सड़कों या उस के या उन के भाग या भागों से है जिसके या जिन के ऊपर ऐसे अनुज्ञापत्र (Permit) के अधीन परिवहन की गाड़ी (Transport Vehicle) को चलाने का अधिकार दिया जाये, जो मोटर वेहिकल ऐक्ट, 1939 के अनुसार दिया गया हो या जो इस अधिनियम के अभाव में दिया जाता ;

(च) “राज्य पथ परिवहन सेवा (State Road Transport Service)” का तात्पर्य ऐसी सार्वजनिक सेवा की गाड़ी (Public Service Vehicle) द्वारा परिवहन सेवा (Transport Service) से है, जो राज्य की सम्पत्ति हो ;

(छ) “राज्यशासन” का तात्पर्य हिमाचल प्रदेश के राज्यशासन से है ;

(ज) “परिवहन आयुक्त” का तात्पर्य राज्यशासन द्वारा नियुक्त हिमाचल प्रदेश के परिवहन आयुक्त से है, और इस के अन्तर्गत ऐसा अन्य अधिकारी भी है, जिसे राज्यशासन इस अधिनियम के अधीन परिवहन आयुक्त का कार्य करने के लिए अधिकृत करे ;

(झ) ऐसे शब्द और पदों के अर्थ, जिन की परिभाषा इस अधिनियम में नहीं की गई है किन्तु मोटर वेहिकल ऐक्ट, 1939 में की गई है, वे ही होंगे जो उक्त अधिनियम में दिये गये हैं।

3. राज्य पथ परिवहन चलाने के लिये राज्यशासन की शक्तियाँ,—यदि राज्यशासन को यह सन्तोष हो जाये कि सार्वजनिक हित और सर्वसाधारण की भलाई के लिये (in the interest of general public and for sub-serving common good) ऐसा आदेश देना आवश्यक है, तो राज्यशासन राजपत्र में अधिसूचना द्वारा यह घोषित कर सकता है कि किसी मार्ग पर या उस के किसी ऐसे भाग में जिसे निर्दिष्ट किया जाये, पथ परिवहन सेवा, साधारणतः या

किसी विशेष प्रकार की, केवल राज्यशासन की ओर से, या अंशतः राज्यशासन की ओर से और अंशतः दूसरों की ओर से, इस अधिनियम के उपबन्धों (Provisions) के अनुसार काम में लाई जायेगी और चलाई जायेगी।

4. राज्य पथ परिवहन सेवा की योजना.—(1) धारा 3 के अधीन अधिवृत्तना प्रकाशित होने के बाद यथा शीघ्र राज्यशासन अथवा यदि राज्यशासन ऐसा आदेश दे तो परिवहन आयुक्त, धारा 3 के अधीन घोषणा के अनुसार बनाई गई राज्य पथ परिवहन सेवा (State Road Transport Service) के सम्बन्ध में एक योजना (Scheme) ऐसी रीति से प्रकाशित करेगा जैसी कि निर्दिष्ट की जाये।

(2) उपधारा (1) के अधीन योजना (Scheme) में निम्नलिखित सभी विषयों की या उन में से किसी की व्यवस्था होगी—

- (क) वह दिनांक जिससे राज्य पथ परिवहन सेवा (State Road Transport Service) कार्य प्रारम्भ करेगी;
- (ख) वह मार्ग या उस का कोई भाग जिस पर राज्य पथ परिवहन सेवा की व्यवस्था की जायेगी;
- (ग) उक्त मार्ग या उस के किसी भाग के लिये व्यवस्थित की जाने वाली राज्य पथ परिवहन सेवा, तथा उक्त मार्ग पर या उसके भाग में पथ परिवहन सेवा की योजना में निर्दिष्ट रीति से भिन्न किसी प्रकार की व्यवस्था को निषिद्ध या सीमित करना (Prohibiting or restricting);
- (घ) वह आयति (extent) जिस तक राज्यशासन से भिन्न व्यक्तियों को खण्ड (ख) में निर्दिष्ट किसी मार्ग पर या उसके किसी भाग में, पथ परिवहन सेवा की व्यवस्था करने की अनुज्ञा दी जायेगी;
- (ङ) पथ परिवहन सेवा (State Road Transport Services) जिस की व्यवस्था राज्यशासन अकेले या रेलवे के सहयोग में करेगा;
- (च) ऐसी सेवाओं में प्रयोग की जाने वाली परिवहन गाड़ियों (Transport vehicles) का प्रकार और उनकी भारक्षमता (Types & carrying capacity);
- (छ) मोटर वेहिकल्स ऐक्ट, 1939 के अध्याय 4 के अधीन दिये गए वर्तमान अनुज्ञा पत्रों (permits) का निरसन या उनमें रूप भेद (modification);
- (ज) उक्त मार्ग पर चलने वाली परिवहन गाड़ियों (Transport Vehicles) की संख्या में कमी;
- (झ) वर्तमान अनुज्ञा-पत्रों में निर्दिष्ट मार्ग को कम करना या अनुज्ञा पत्रों को किसी भिन्न मार्ग या मार्गों के लिए बदलना;
- (ञ) साधारण श्रेणी के यात्रियों की सुविधा के लिये उचित प्रबन्ध;
- (ट) ऐसे अन्य पारिणामिक या आनुवंशिक विषय (consequential or incidental) जो इस योजना के निमित्त आवश्यक और उपयुक्त प्रतीत हों।

5. योजना के सम्बन्ध में आपत्ति.—(1) इस योजना के प्रकाशित होने से तीस दिन के भीतर कोई ऐसा व्यक्ति जिसके हितों पर इस योजना का प्रभाव पड़े, उसके सम्बन्ध में परिवहन आयुक्त के पास आपत्ति कर सकता है।

(2) राज्यशासन या यदि राज्यशासन ऐसा आदेश दे तो विनिर्दिष्ट प्राधिकारी (Prescribed authority) उपरोक्त आपत्तियों पर विचार करके उक्त योजना को अनुमोदित, रुपान्तरित या परिवर्तित (confirm, modify or alter) कर सकता है।

(3) उपधारा (2) के अधीन अनुमोदित, रुपान्तरित तथा परिवर्तित योजना राजपत्र में प्रकाशित की जायेगी और उसके बाद वह योजना अन्तिम (final) हो जायेगी और तत्सम्बन्धित क्षेत्र या मार्ग अधिसूचित क्षेत्र या मार्ग (Notified area or route) कहलायेगा।

6. योजना में परिवर्तन या रूप भेद.—(1) धारा 5 की उपधारा (3) के अधीन प्रकाशित किसी योजना को, राज्यशासन या राज्यशासन की अनुमति से परिवहन आयुक्त, किसी समयनिरालित, परिवर्तित अथवा रुपान्तरित (cancel, alter or modify) कर सकता है :

परन्तु राज्यशासन या रेलवे के सहयोग में राज्यशासन द्वारा चलाई गई या व्यापार में लाई गई पथ परिवहन सेवाओं (Road Transport Services) या प्रयोग में लाई गई

परिवहन की गाड़ियों (Transport Vehicles), अथवा उनके प्रकार या आसन-क्षमता (Seating capacity) की केवल संख्या के बढ़ाने या घटाने से या किसी अधिसूचित मार्ग को कम करने से यह नहीं समझा जायगा कि इस धारा के प्रयोजनों के निमित्त योजना में कोई रूप भेद या परिवर्तन किया गया है।

(2) किसी योजना में परिवर्तन या रूप भेद करने के लिये धारा 4 और 5 में लिखी हुई प्रक्रिया का, जहाँ तक वह प्रयुक्त हो सके, इस प्रकार अनुसरण किया जायेगा मानों उक्त परिवर्तन या रूप भेद स्वयं एक पृथक् योजना (Separate Scheme) हो।

7. धारा 5 के अधीन योजना के प्रकाशन के परिणाम.— (1) धारा 5 के अधीन योजना के प्रकाशित होने पर और जब तक उक्त योजना प्रचलित रहे, आगे लिये परिणाम योजना के प्रारम्भ के दिनांक से अधिसूचित मार्ग के विषय में होंगे—

(क) राज्यशासन या रेलवे सहयोग में राज्यशासन द्वारा प्रयोग में लाई जाने वाली परिवहन की गाड़ियों के सम्बन्ध में निम्नलिखित के विषय में मोटर वेहिकलज ऐक्ट, 1939 के अध्याय 4 के उपबन्धों के परिपालन की आवश्यकता को दूर करने के लिये राज्यशासन व्यवस्था कर सकता है—

(अ) अनुज्ञा-पत्रों को लेने, स्वीकार करने और उन पर प्रतिहस्ताक्षर करने (Countersign) की आवश्यकता;

(आ) अनुज्ञा-पत्रों की अवधि और उनका नवीकरण (renewal);

(इ) अनुज्ञा-पत्रों के विषय में प्रतिबन्ध;

(ई) अनुज्ञा-पत्रों का निरसन और स्थगन (Cancellation and suspension);

(उ) अनुज्ञा-पत्रों की संख्या को सीमित करना,

जैसा कि राज्यशासन इस सम्बन्ध में राजपत्र में अधिसूचित करे;

(ख) खण्ड (ग) में की जाने वाली व्यवस्था की दशा को छोड़ कर राज्यशासन (अथवा रेलवे के सहयोग में) से भिन्न किसी भी व्यक्ति को मोटर वेहिकलज ऐक्ट, 1939 के अध्याय 4 के अधीन अनुज्ञा-पत्र (Permit) पाने का अधिकार न होगा;

(ग) राज्यशासन परिवहन गाड़ियों की उस संख्या को, यदि कोई हो, निर्दिष्ट कर सकता है जितने के लिए राज्यशासन या रेलवे के सहयोग में राज्यशासन से भिन्न व्यक्तियों को अनुज्ञा-पत्र दिए जा सकते हैं या प्रतिहस्ताक्षरित किए जा सकते हैं;

(घ) राज्यशासन या उसके द्वारा इस सम्बन्ध में अधिकृत कोई अधिकारी या प्राधिकारी (Officer or authority) विनिर्दिष्ट रीति से किसी अनुज्ञा-पत्र को निरसित (cancel) कर सकता है या यह आदेश दे सकता है कि कोई अनुज्ञा-पत्र या अनुज्ञा-पत्रों का वर्ग फिर से नवीकृत (renew) नहीं किया जाएगा अथवा निर्दिष्ट किए जाने वाले दिनांक के बाद प्रभावी (Effective) न होगा या किसी अनुज्ञा-पत्र में दिए हुए मार्गों या गाड़ियों की संख्या कम कर सकता है या घटा सकता है या किसी अनुज्ञा पत्र के प्रतिबन्धों में परिवर्तन कर सकता है या मोटर वेहिकलज ऐक्ट, 1939 के अध्याय 4 के अधीन दिए गए किसी अनुज्ञा पत्र में कोई नई शर्त लगा सकता है;

(ङ) राजपत्र में अधिसूचना द्वारा राज्यशासन यह आदेश दे सकता है कि मोटर वेहिकलज ऐक्ट, 1939 के अधीन राज्य परिवहन प्राधिकारी (State Transport Authority), प्रादेशिक परिवहन प्राधिकारी (Regional Transport Authority), रजिस्टर करने वाले प्राधिकारी (Registering Authority) या लाईसेंस देने वाले प्राधिकारी (Licensing Authority) के सब या कोई कार्य, कर्तव्य और अधिकार का (functions, duties and powers) उस हद तक और ऐसी रीति में, जो अधिसूचना में निर्दिष्ट की जाए, ऐसे अधिकारी या अन्य प्राधिकारी द्वारा, पालन या अनुष्ठान किया जाएगा या प्रयोग में लाये जाएंगे, जैसा कि अधिसूचना में निर्दिष्ट किया जाये;

(च) इस अधिनियम के प्रयोजनों के लिए राज्यशासन ऐसे निदेश (Directions) जो वह आवश्यक समझे, राज्य परिवहन प्राधिकारी (State Transport Authority) प्रादेशिक परिवहन प्राधिकारी (Regional Transport Authority), या किसी अन्य अधिकारी या प्राधिकारी को दे सकेगा और ऐसे अधिकारी या प्राधिकारी का कर्तव्य होगा कि वह ऐसे आदेशों या निदेशों को तुरन्त कार्यान्वित करे।

(2) उपधारा (1) के खण्ड (ड) के अधीन अधिसूचना में निर्दिष्ट किसी अधिकारी या प्राधिकारी को मोटर वेहिकल ऐक्ट, 1939 की धारा 44 की उपधारा (2) की कोई बात प्रयुक्त नहीं होगी।

**8. परिवहन आयुक्त.**—(1) इस अधिनियम के प्रयोजनों के लिए, राज्यशासन एक परिवहन आयुक्त की नियुक्ति कर सकता है।

(2) परिवहन आयुक्त उस कार्य को करेगा, और उन अधिकारों का प्रयोग करेगा जो विनिहित किए जाएं।

**9. परामर्श समितियों की नियुक्ति.**—(1) राज्यशासन विभिन्न क्षेत्रों के लिए एक या एक से अधिक परामर्श समितियाँ (Advisory Committees) स्थापित कर सकेगा जिन का काम सेवा (service) की कुशलता तथा सार्वजनिक सुविधाओं से सम्बन्ध रखने वाले मामलों पर सकारिष् करना होगा।

(2) समिति में उतने सदस्य होंगे जो राज्यशासन द्वारा नियुक्त किये जायें।

(3) समिति को या उसके सदस्यों की कार्य-काल की अवधि, आकस्मिक रिक्तियों (casual vacancies) के भरने की रीति, उस के कार्य करने की प्रक्रिया और उसके कार्य के परिचालन की प्रणाली वह होगी जिसे विनिहित किया जाए।

**10. शक्तियों को समर्पित करना.**—राज्यशासन, राजपत्र में अधिसूचना द्वारा अपने अधीनस्थ किसी अधिकारी या प्राधिकारी को इस अधिनियम द्वारा मिली कोई भी शक्तियाँ, उन को छाड़ कर जिनका उल्लेख धारा 3 और धारा 5 की उपधारा (2) में है, अधिसूचना में निर्दिष्ट किन्हीं आयोश्यों और निर्बन्धों (restrictions and conditions) के अधीन प्रयोग में लाने के लिये समर्पित (delegate) कर सकता है।

**11. निरसन.**—(1) यदि इस अधिनियम के उपबन्धों और किसी अन्य विधि के उपबन्धों में कोई परस्पर विरोध हो तो इस अधिनियम के उपबन्ध ही मान्य होंगे (shall prevail)।

(2) इस अधिनियम के अधीन दिया गया, या दिया गया समझा जाने वाला कोई भी आदेश प्रभावशाली होगा, यद्यपि वह किसी दूसरे अधिनियम में या ऐसे अधिनियम के कारण प्रभावशाली किसी कारण (Instrument) में दी गई किसी बात के विरुद्ध हो।

**12. धारा 7 के विरुद्ध किसी सार्वजनिक सेवा की गाड़ी का प्रयोग अपराध होगा.**—(1) धारा 7 के खण्ड (ग) के उपबन्धों के विरुद्ध यदि कोई व्यक्ति सार्वजनिक सेवा की गाड़ी (Public Service Vehicle) चलाए (drive) या उसका उपयोग कराये या उपयोग करने की अनुमति दे तो वह पाँच सौ रुपये तक के अर्थ-दंड का भागी हो सकता है।

(2) किसी आकस्मिक संकट-काल (emergency) में बीमारी या चोट से पीड़ित व्यक्तियों को ले जाने, मुर्दा ढोने या विपत्ति निवारणार्थ चिकित्सा सामग्रो ले जाने के लिये यदि किसी सार्वजनिक सेवा की गाड़ी (Public Service Vehicle) का उपयोग किया जाये तो ऐसे उपयोग पर इस धारा में कही गई कोई बात प्रयुक्त नहीं होगी :

परन्तु गाड़ी को चलाने वाला व्यक्ति (person operating) ऐसे उपयोग की सूचना सात दिन के भीतर ऐसे अधिकारी को देगा जो विनिहित किया जाये।

**13. वैधकरण.**—(1) (क) मोटर वेहिकल ऐक्ट, 1939, या किसी दूसरी विधि (law) में किसी भी बात के रहते हुए निम्नलिखित वैध (valid) होंगे और इसके द्वारा वैध किये और घोषित किये जाते हैं—

(अ) प्रत्येक राजकीय तथा परिवहन सेवा जो निश्चित दिनांक से पहले प्रारम्भ हुई हो और ऐसे दिनांक को किसी मार्ग पर काम कर रही हो, और

(आ) प्रत्येक परिवहन की गाड़ी के अनुज्ञा-पत्र के निरसन या उसमें कमी करने का आदेश या कोई ऐसा आदेश जिसका प्रभाव अनुज्ञा पत्र से निरसन का हो या ऐसी गाड़ी के अनुज्ञा-पत्र में कोई नया प्रतिबन्ध लगाने की या उसमें पहले से लगे प्रतिबन्धों में परिवर्तन करने का आदेश और ऐसे प्रत्येक आदेश जिससे किसी मार्ग पर प्रयोग में लायी जाने वाली परिवहन की गाड़ियों की संख्या में कमी की गई हो या उसको अन्य प्रकार से निर्धारित किया गया हो अनुज्ञा-पत्र में निर्दिष्ट मार्ग में परिवर्तन किया गया हो, और पहले दिये गये किसी अनुज्ञा-पत्र के नवीकरण (renewal) को अस्वीकृत करने का प्रत्येक आदेश जो राजकीय पथ-परिवहन सेवा के उस मार्ग पर, जिसका सम्बन्ध अनुज्ञा-पत्र से हो, चलने और कार्य करने या इस बात के प्रारम्भ होने के कारण निश्चित दिनांक पर या उससे पहले दिया गया हो।

(ख) ऐसे प्रत्येक मार्ग के सम्बन्ध में जिस पर राज्य पथ-परिवहन सेवा निश्चित दिनांक पर कार्य कर रही हो और ऐसी प्रत्येक सेवा के सम्बन्ध में, इस अधिनियम के प्रयोजनों के लिये यह समझा जायेगा, जैसी भी दशा हो, कि वह धारा 3 के अधीन अधिसूचना में निर्दिष्ट मार्ग है और धारा 4 और 5 के अधीन और अनुसार प्रकाशित और यथावत् बनाई गई योजना के अधीन कार्य कर रही सेवा है। किन्तु ऐसा तभी होगा जब राज्यशासन इस अधिनियम के प्रारम्भ होने से तीन मास के भीतर राजपत्र में एक योजना उक्त पथ-परिवहन सेवा के सम्बन्ध में प्रकाशित कर दे, जिस में, जहां तक सम्भव हो, धारा 4 की उपधारा (2) में निर्दिष्ट सब विषयों या उनमें से किसी की व्यवस्था कर दी जाये, और इस प्रकार प्रकाशित की गई योजना धारा 5 की उपधारा (3) के अधीन प्रकाशित और यथावत् पुष्ट की गई (duly confirmed) योजना होगी और समझी जायेगी और उससे सम्बन्धित मार्ग अधिसूचित मार्ग (Notified Route) कहलायेगा और धारा 6 और 7 के उपबन्ध उस पर प्रवृत्त होंगे।

(2) मोटर वेहिकल ऐक्ट, 1939 या किसी न्यायालय के निर्णय (judgement), डिक्री या आदेश में किसी बात के रहते हुये भी ऐसे मार्ग के सम्बन्ध में, जो अधिसूचित मार्ग हो या समझा गया हो, परिवहन की गाड़ी के लिये अनुज्ञा-पत्र दिये जाने के किसी प्रार्थना पत्र का, जो इस अधिनियम के प्रारम्भ होने से पहले या बाद में दिया गया हो, निर्णय इस अधिनियम के उपबन्धों के अनुसार किया जायेगा, मानों यह अधिनियम ऐसे सब दिनांकों पर प्रचलित था जिनका इस विषय में कोई महत्व हो।

14. राज्यशासन के किसी सार्वजनिक वाहन अथवा ठेके की गाड़ी के सम्बन्ध में अधिकार देना.—धारा 7 के उपबन्धों को बाधित न करते हुए (without prejudice) किन्तु मोटर वेहिकल ऐक्ट, 1939 में किसी बात के रहते हुए भी (Notwithstanding) परिवहन आयुक्त या उसके द्वारा इस सम्बन्ध में नियुक्त किसी अधिकारी के लिये वैध (Lawful) होगा कि वह ऐसे किसी सार्वजनिक वाहन या ठेके की गाड़ी (Contract Carriage) के, जो राज्य सरकार की सम्पत्ति हो, या राज्य सरकार द्वारा किराये पर ली गई हो, विषय में यह अधिकार दे दे कि वह हिमाचल प्रदेश में किसी या सब मार्गों पर उपयोग में लाई जा सके और तब वह सार्वजनिक सेवा की गाड़ी इस प्रकार उपयोग में लाई जा सकेगी मानों वह अधिकार मोटर वेहिकल ऐक्ट, 1939, के उपबन्धों के अनुसार और अधीन स्वीकृत अनुज्ञापत्र था।

15. नियम बनाने की शक्तियां.—(1) इस अधिनियम के उपबन्धों को कार्यान्वित करने के लिए नियमों में राज्यशासन नियम बना सकेगा।

(2) पूर्वोक्त शक्तियों की व्यापकता को बाधित न करते हुए ऐसे निम्नलिखित की व्यवस्था हो सकेगी:—

(क) धारा 3 के अधीन घोषणा का फार्म (Form);

(ख) वह फार्म (Form) जिस में धारा 4 और 5 के अधीन योजना प्रकाशित की जायेगी;

(ग) प्राधिकारी (Authority) अधिकारी (Officer) और कर्मचारी (Staff) जो इस अधिनियम के प्रयोजनों के लिये नियुक्त किये जायेंगे, और उन की शक्तियां तथा कर्तव्य;

(घ) इस अधिनियम के प्रयोजनों के लिए नियुक्त अधिकारियों और कर्मचारियों की सेवा और योग्यता की शर्तें (conditions of service);



- (ड) इस अधिनियम के अधीन या द्वारा किसी अधिकारी या प्राधिकारी को मिली शक्तियों का समर्पण (Delegation);
- (च) इस अधिनियम के अधीन अधिकारक्षेत्र (Jurisdiction) रखने वाले किसी अधिकारी या प्राधिकारी के कर्तव्य, ऐसे अधिकारी या प्राधिकारी द्वारा अनुमरण की जाने वाली प्रक्रिया ;
- (छ) समय की अवधि का आरोपण जिसके भीतर ही इस अधिनियम के अधीन किए जाने वाले कार्य किए जायेंगे और उसमें निर्दिष्ट किसी प्राधिकारी को ऐसी आरोपित अवधि के बढ़ाने के लिए अधिकार का होना या न होना ;
- (ज) ऐसे मामलों में जिनके लिए कोई विशेष व्यवस्था नहीं की गई है इस अधिनियम के अधीन प्रार्थना पत्र और अन्य कार्यवाहियों में अनुमरण की जाने वाली प्रक्रिया ;
- (झ) इस अधिनियम के अधीन किसी प्रार्थना-पत्र या कार्यवाही के सम्बन्ध में कोई शुल्क जो दिया जाने को है ; और
- (ञ) ऐसे विषय जो विनिहित किए जाने वाले हों ।

Simla-4, 2nd April, 1954

**No. LA-109-87/53.**— Under sub-section (2) of section 26 of the Government of Part 'C' States Act, 1951, the President of India has been pleased to accord his assent to the following Bill on the 10th February, 1954 and this is hereby published through this notification for the information of the general public : —

Act No. V of 1954

## Himachal Pradesh State Road Transport Act, 1954

AN  
ACT

*to provide for State Road Transport Services in Himachal Pradesh*

WHEREAS it is expedient in the interest of the general public and for the promotion of suitable and efficient road transport to provide for State Road Transport Services in Himachal Pradesh.

It is hereby enacted as follows:—

**1. Short title, extent & commencement.**—(1) This Act may be called the Himachal Pradesh State Road Transport Act, 1953.

(2) It extends to the whole of the Himachal Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, specify in this behalf.

**2. Definition.**—In this Act unless there is anything repugnant in the subject or context:—

(a) “appointed date” means the date immediately preceding the commencement of this Act;

(b) “Gazette” means the official gazette for the Himachal Pradesh;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “public service vehicle” has the meaning assigned to it in the Motor Vehicles Act, 1939, and also includes a public carrier vehicle;

(e) “route” means a road or roads, or part or parts of a road or roads over which a transport vehicle may be authorised to be used under a permit granted or which, but

for this Act, would have been granted under the Motor Vehicles Act, 1939 ;

- (f) "State Road Transport Service" means Transport Service by a public service vehicle owned by the State Government ;
- (g) "State Government" means the Government of Himachal Pradesh ;
- (h) "Transport Commissioner" means the Transport Commissioner of Himachal Government Transport, appointed by the State Government and includes any other officer who may be authorised by the State Government to perform the functions of the Transport Commissioner under this Act ; and
- (i) Words and expressions not defined in this Act, but defined in the Motor Vehicles Act, 1939, have the meaning assigned to them in the said Act.

**3. Powers of the State Government to run Road Transport Service.**—Where the State Government is satisfied that it is necessary in the interest of general public and for sub-serving the common good so to direct, it may, by notification in the official gazette, declare that the road transport services in general, or any particular class of such service on any route or portion thereof, as may be specified, shall be run and operated by the State Government exclusively, or by the State Government in conjunction with Railway, or partly by the State Government and partly by others in accordance with the provisions of this Act.

**4. Scheme of State Road Transport Services.**—(1) As soon as may be after the publication of the notification under section 3, the State Government or if the State Government so directs, the Transport Commissioner, shall publish, in such manner as may be specified, a scheme as to the State Road Transport Service framed in pursuance of the declaration under section 3.

(2) The scheme under sub-section (1) shall provide for all or any of the following matters, that is to say—

- (a) the date on which the State Road Transport Service shall commence to operate ;
- (b) the route or any portion thereof on which the State Road Transport Service shall be provided ;
- (c) the State Road Transport Services which are to be provided on the route or any portion thereof and for prohibiting or restricting the provision on the route or its portion of transport services otherwise than under the scheme ;
- (d) the extent to which persons other than the State Government will be permitted to provide road transport services on the routes or any portion thereof specified in clause (b) ;
- (e) the road transport services which will be provided by the State Government exclusively or by the State Government in conjunction with Railway ;
- (f) the type and carrying capacity of transport vehicles to be used in such services ;
- (g) the cancellation or the modification of the existing permits granted under Chapter IV of the Motor Vehicles Act, 1939 ;
- (h) the reduction in the number of transport vehicles plying on the route ;

- (i) the curtailment of the route covered by the existing permits or transfer of the permits to any other route or routes;
- (j) the convenience of the ordinary class of passengers; and
- (k) such other consequential or incidental matters as may appear necessary or expedient for the purposes of the scheme.

**5. Objections to the Scheme.**—(1) Any person whose interests are affected may, within thirty days from the publication of the scheme, file objections to the same before the Transport Commissioner.

(2) The State Government so directs, the prescribed authority, as the case may be, shall after having considered the objections either confirm, modify or alter the scheme.

(3) The scheme as confirmed, modified or altered under sub-section (2) shall then be published in the Gazette, and the same shall thereupon become final and the route to which it relates shall be called a notified route.

**6. Alteration or modification of Scheme.**—(1) Any scheme published under sub-section (3) of section 5 may at any time be cancelled, altered or modified by the State Government or with the sanction of the State Government by the Transport Commissioner:

Provided that any increase or decrease merely in the number of road transport services run or operated by the State Government or by the State Government in conjunction with Railway or the transport vehicles used or their type or seating capacity or curtailment of any notified route shall not be deemed to be a modification or alteration of the scheme for the purposes of this section.

(2) The procedure laid down in sections 4 and 5 shall, so far as can be made applicable, be followed in altering or modifying a scheme as if the alteration or modification were a separate scheme.

**7. Consequence of the publication of the scheme under section 5.**—(1) Upon the publication of the scheme under section 5 and for so long as it remains in force the consequences as hereinafter stated shall, with effect from the date of the commencement of the scheme, have effect in respect of the notified route.

(a) The State Government may, in the case of transport vehicles to be used by the State Government or by the State Government in conjunction with Railway provide for the dispensation from observance of the provisions of Chapter IV of the Motor Vehicles Act, 1939 as respects—

- (i) The necessity of taking out or granting or counter-signing permits,
- (ii) the duration and renewal of permits,
- (iii) the conditions attached to permits,
- (iv) the cancellation and suspension of permits,
- (v) the restriction on the number of permits, as it may notify in that behalf in the gazette.

(b) No person (other than the State Government either singly or in conjunction with Railway) shall except as may be provided under clause (c) be entitled to a permit under Chapter IV of the Motor Vehicles Act, 1939;

(c) The State Government may specify the number of transport vehicles, if any, for which the permits may be granted or counter-signed in favour of persons other

than the State Government or the State Government and the Railway conjointly ;

- (d) The State Government or any officer or authority empowered by it in this behalf may, in the manner prescribed, cancel any permit or direct that any permit or class of permits shall not be renewed or shall not be effective beyond such date as may be specified or reduce and curtail the number of vehicles or routes covered by any permit or alter the conditions attached to any permit or attach any new condition to any permit granted under Chapter IV of the Motor Vehicles Act, 1939 ;
- (e) The State Government may, by notification in the official Gazette, direct that all or any of the functions, duties and powers under the Motor Vehicles Act, 1939 of the State Transport Authority, the Regional Transport Authority, the Registering Authority or the Licensing Authority shall to the extent and in the manner specified in the Notification, be discharged, performed or exercised by such officer or other authority as may be specified in the notification ;
- (f) The State Government may for purposes of this Act issue directions as it considers necessary, to the State Transport Authority, Regional Transport Authority or any other authority or officer and such officer or authority shall forthwith give effect to all such orders and directions.

(2) Nothing in sub-section (2) of section 44 of the Motor Vehicles Act, 1939, shall apply to any officer or authority specified in the notification under clause (e) of sub-section (1).

**8. Transport Commissioner .—**(1) The State may appoint a Transport Commissioner for the purpose of this Act.

(2) The Transport commissioner shall perform such duties and exercise such powers as may be prescribed.

**9. Appointment of Advisory Committees .—**(1) The State Government may establish one or more advisory committees for different areas to make recommendations in regard to any matter affecting the efficiency of the service and the convenience of the public in general.

(2) The committee shall consist of such number of members as may be appointed by the State Government.

(3) The term of the Committee or its members, the method of filling up casual vacancies, the procedure of its working and the conduct of its business shall be such as may be prescribed.

**10. Delegation of powers .—**The State Government may, by notification in the Gazette, delegate to an officer or authority subordinate to it, any of the powers conferred on it by this Act except those specified in section (1) and sub-section 2 of section 5 to be exercised subject to any restrictions and conditions as may be specified in the notification.

**11. Repeals .—**(1) Where there is any conflict or inconsistency between the provisions of this Act and the provisions of any other law, then the provisions of this Act shall prevail.

(2) Any order made or deemed to be made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or any instrument having effect by virtue of such enactment.

**12. Use of public service vehicle in contravention of section 7 is an offence.**—(1) Whoever drives a public service vehicle or causes or allows a public service vehicle to be used in contravention of the provisions of clause (c) of section 7, shall be punishable with fine which may extend to five hundred rupees.

(2) Nothing in this section shall apply to the use of any public service vehicles in any emergency for the conveyance of persons suffering from sickness or injury or for the transport of dead bodies or for the transport of medical supplies to relieve distress:

Provided that the persons operating the vehicles shall report such use to such authority, as may be prescribed, within seven days.

**13. Validation.**—(1) (a) Every—

- (i) State Road Transport Service commenced before the appointed date and operating on any route at such date, and
- (ii) order cancelling or having the effect of cancellation or curtailing any permit for transport vehicle or attaching any new condition or altering the conditions already attached to any permit for such vehicle, and every order reducing or otherwise fixing the number of transport vehicles to be used in any route or changing the route relating to the permit, and every order refusing to renew any permit previously granted, made on or before the appointed date on account of the State Road Transport Service running and operating or commencing to run and operate on the route to which the permit related;

shall be and is hereby made and declared to be valid in law, any provision in the Motor Vehicles Act, 1939, or any other law notwithstanding; and

(b) Every route on which the State Road Transport Service was operating on the appointed date and every such service shall for purposes of this Act, be deemed, as the case may be, to be a route specified in a notification under section 3, and the service operating under a scheme duly prepared and published under and in accordance with sections 4 and 5 provided that the State publishes in the Gazette within 3 months of the commencement of this Act a scheme as to the aforesaid road transport service providing as far as may be, for all or any of the matters specified in sub-section (2) of section 4 and the scheme so published shall be and be deemed to be the scheme duly confirmed and published under sub-section (3) of section 5 and the route to which it relates shall be called a notified route and the provisions of sections 6 and 7 shall be applicable thereto.

(2) Any application for granting a permit for a transport vehicle made whether before or after the commencement of this Act in respect of route, which is or is deemed to be a notified route, shall notwithstanding anything in the Motor Vehicles Act, 1939 or any judgement, decree or order of a court, be decided in accordance with the provisions of this Act as if the Act had been in force at all material dates.

**14. Authorisation in respect of public carrier or contract carriage owned by State Government.**—Without prejudice to the provisions of section 7, but notwithstanding anything contained in the Motor Vehicles Act, 1939, it shall be lawful for the Transport Commissioner or an officer appointed in that behalf by the Transport Commissioner to authorize a public carrier vehicle or contract carriage owned or hired by the State Government to be used on any or all routes in Himachal Pradesh and the public service vehicle aforesaid may then be so used as if the authorisation had been a permit granted under and in accordance with the provisions of the Motor Vehicles Act, 1939.

**15. Power to make Rules.**—(1) The State Government may make rules for purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

- (a) the form of the declaration under section 3 ;
- (b) the form in which the scheme shall be published under sections 4 and 5 ;
- (c) the authorities, officers and staff to be appointed for purposes of this Act and their powers and duties ;
- (d) the conditions of service and qualifications of the officers and the staff appointed for purposes of this Act ;
- (e) the delegation of powers conferred upon any officer or authority by or under this Act ;
- (f) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority ;
- (g) imposing time limits within which things to be done under this Act must be done with or without powers to any authority therein specified to extend limits imposed ;
- (h) the procedure to be followed in application and other proceedings under this Act in cases for which no specified provisions have been made ;
- (i) the fees, if any, to be paid in respect of any application or proceedings under this Act ; and
- (j) matters which are to be prescribed.

CHET RAM,  
Secretary

भाग 4—स्थानीय स्वायत्त शासन : म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

शून्य

भाग 6—भारतीय राजपत्र इत्यादि में पुनः प्रकाशन

### Finance Department

#### NOTIFICATION

Simla-4, the 6th April, 1954

**No. Fin. (Bud).R-38-35/52.**—The Government of Assam, Finance Department's Press note dated the 2nd January, 1954, regarding the levy of sales tax on inter-State Transactions, is reproduced below for general information.

INDAR SEN,  
for Finance Secretary.

#### PRESS NOTE

2nd January, 1954

It has been made clear in the Supreme Court judgment in the case "State of Bombay *versus*

United Motors (India) Ltd." that inter-State sales which come under Article 286 (1) (a) of the Constitution read with the explanation thereunder, will be taxable by the States in which the goods are delivered for the purpose of consumption. Thus those dealers who are resident outside the state of Assam but are selling goods (to the dealers of consumers here) the delivery of which are being taken in Assam for the purpose of consumption, will be liable to pay tax to the Government of Assam.

This Government have considered the difficulties and inconvenience of thionon-resident dealers in the matter of submisrn of returns and compliance with other formalities connected with the assessment of sales tax on this sort of transactions, and have agreed to the following arrangements to alleviate their



hardship They have also decided to realise the tax from the dealers with effect from the 1st January, 54 except in the cases of dealers who have already realised the Assam sales-tax from the purchasers in Assam, waiving their claim to the arrear dues which they could have realised under the law. It is expected that these arrangements will suit the dealers and they will co-operate in all respects with Government in the smooth assessment and realisation of the tax, thereby justifying the gesture shown to them through the relief granted in the exemption of the legitimate arrear dues.

### The arrangements

(i) All non-resident dealers liable to registration or to pay sales tax are permitted to submit half yearly returns in respect of inter-State transactions pertaining to this State by post. Such returns shall be submitted in Form II of the Assam Sales Tax Rules for the first time within thirty days of the completion of the period ending 31st March, 54 and thereafter within thirty days of completion of each half year on 30th September and on 31st March every year. These returns shall be accompanied by one copy of the declaration form (under rule 80 of the Assam Sales Tax Rules) to be issued in triplicate by Government to purchasing registered dealers. One copy of the declarations furnished by the purchasing registered dealers to the non-resident dealers will remain with the non-resident dealers.

The returns shall also be accompanied by evidence of payment of admitted amounts of the tax.

(ii) While carrying out their check for the purpose of assessment of their own tax on each dealer the sales tax authorities of the State of the Dealer's residence will verify the fact of export of articles to Assam as entered in his books and will supply the relevant information disclosed in the course of such examination to the Government of Assam. They will also supply any additional information that they would readily come upon during the course of such inspection in response to any enquiry that may have been made in respect of that dealer by this State.

The assessment of tax of the outside dealer shall be done by the Superintendent of Taxes,

Central Circle, Shillong, Assam.

The Superintendent of Taxes, Central Circle, Shillong, Assam, will examine the accounts of the non-resident dealers at the headquarters of the sales tax officer concerned in the State of the dealer's residence whenever he considers this necessary before making the assessment on the dealer.

(iii) As regards appeals and revisions, the following arrangements will be made:—

The appeals to the Asstt. Commissioner of Taxes will be heard at the request of the dealer at one or more central places in the State of the dealer's residence. The appeals against the original order of the Asstt. Commissioner of Taxes, if any, shall be heard by the Commissioner at his headquarters at Shillong.

Revisions or reference cases will be heard by the Commissioner or the Board of Sales Tax, as the case may be, at the headquarters at Shillong.

(iv) Tax due from non-resident dealers shall be paid, in advance, by crossed cheques, postal orders or demand drafts or deposited into the Reserve Bank of India when arrangements in this respect are complete.

(v) The returns to be submitted by the non-resident dealer as laid down in item (i) above (as well as other correspondence with him) will be receivable and be dealt with by the Superintendent of Taxes, Central Circle, Shillong.

(vi) The legal liability of the non-resident dealer to submission of accounts, appearance, etc., within this State would remain; the State, however, have agreed that this liability will not be enforced against the dealer unless he is found to have persistently defaulted in submission of returns or behaved in fraudulent manner.

(vii) Copies of the Assam Sales Tax Act, 1947 and the Assam Sales Tax Rules, 1947 may be had of the Officer-in-Charge Government Book Depot, Shillong, on payment.

M. N. GOSWAMI,

Secy. to the Govt. of Assam, Fin. Deptt.

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